

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH
M.A.(C) NO. 298 /2006

APPELLANTS
CLAIMANTS

1. Manbodh Sahu,
S/O. Nandu Sahu,
aged about : 50 years.
2. Smt. Juga Bai,
W/O. Shri Manbodh Sahu,
aged about : 45 years,
Both are R/O. : Village : Khorpa,
Tehsil : Abhanpur,
Distt : Raipur (C.G.)

VERSUS

RESPONDENTS

1. Janak Lal Pandey,
S/O. Paras Ram Pandey,
R/O. : Santoshi Nagar Raipur,
Distt : Raipur (C.G.)
(Driver of the offending Vehicle)
2. Rajjak Ali,
S/O. Matlubh Ali,
R/O. Arrigation Colony,
Rajatalab Raipur,
Distt. : Raipur (C.G.)
(Owner of the offending Vehicle)

P.F. No. 307/106
Presented by Shri P.K. Patel
dated 02.12.2006

✓3. The New India Insurance Co. Ltd.
G.E. Road Bhilai,
Distt. Durg (C.G.)
(Insurer of the offending Vehicle)

✓4. Ku. Kalindi Sahu,
D/O. Manbodh Sahu,
aged about - 18 years,

5. Ku. Purnima Sahu,
D/O. Manbodh Sahu,
aged about - 12 years,
Respondent no. 4 to 5 are
R/O. Village : Khorpa,
Tehsil : Abhanpur,
Distt : Raipur (C.G.)

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT.
FOR ENHANCEMENT OF AWARD DATED 24.8.2006

मामला क्रमांक M.A.(C) 298/सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>Division Bench: -</u> Hon'ble Mr. L.C. Bhadoo, Ag. CJ & Hon'ble Mr. Dhirendra Mishra, J. <u>2-1-2007</u> Mr. Pushpendra Kumar Patel, counsel for the appellants. Heard. This appeal has been preferred by the appellants being aggrieved by the award dated 24th August, 2006, passed by the Additional Motor Accident Claims Tribunal, Dhamtari, in Claim Case No.96/2005, whereby learned Tribunal allowed the claim to the extent of Rs.1,80,000/-. The Tribunal reached to the conclusion that the yearly earning of deceased Mukesh Kumar Sahu was Rs.15,000/-. The dependency has been assessed as 2/3rd and the multiplier of 16 has been applied, thereby, the award has been passed considering the dependency as Rs.1,60,000/-, Rs.10,000/- for loss of consortium and Rs.10,000/- for expenses of last rites. Learned counsel for the appellants has not been able to show how the yearly income of the deceased has been assessed on the lower side because the claimants have not been able to produce any evidence to show that the deceased was getting salary of Rs.3,000/- per month from the owner. Having perused the evidence available on record and the impugned award, we are of the opinion that the award passed by the Tribunal is just and reasonable. Therefore, we are of the considered that the award passed by the Tribunal does not require any interference, as there is no infirmity in the	

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Soma	award. Accordingly, the appeal is liable to be dismissed and it is hereby dismissed. Sd/- Acting Chief Justice	Sd/- Dhirendra Mishra Judge